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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

**RESPONSE AFTER FINAL REJECTION**  
**EXPEDITED EXAMINING PROCEDURES**

In re Patent Application of:

Michael Colin BEGG

Atty. Ref.: LSN-34-125

Serial No.: 10/812,917

T.C./A.U.: 3729 – Conf. No.: 5698

Filed: March 31, 2004

Examiner: Anthony Dexter Tugbang

For: MANUFACTURE OF SHIM WINDINGS

\* \* \* \* \*

July 16, 2009

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL SUBMISSION OF AUTHORITIES**

Further to the response filed July 9, 2009, applicant hereby brings the Examiner's attention to a recent Federal Circuit *en banc* decision (copy attached) relevant to the restriction requirement made in this application:

*Abbott Laboratories, et al. v. Sandoz, Inc., et al.*, Case No. 2007-1400,  
*and Lupin Ltd., et al. v. Abbott, et al.*, Case No. 2007-1446 (Fed. Cir. *en banc* decision of May 18, 2009)

At pages 14-21, the Federal Circuit considers the proper interpretation of "product-by-process" claims – and holds that recited process steps are scope limiting. Accordingly, the Examiner's prior restriction requirement based on the assertion that the

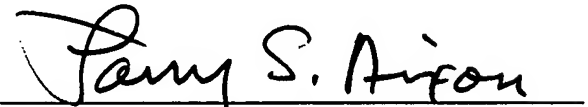
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claimed product-by-process could be made by other processes than the recited  
punching process is clearly erroneous. Withdrawal of same is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in cursive script, appearing to read "Larry S. Nixon", is written over a horizontal line.

Larry S. Nixon  
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